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March 24, 2023

Via ECF

Hon. Judge Jennifer E. Willis
Thurgood Marshall
United States Courthouse
Southern District of New York
40 Foley Square
New York, NY 10007

SO ORDERED. The Parties are directed to contact the Court with three mutually-agreeable dates when they are ready for settlement.

A handwritten signature in black ink that reads "Jennifer E. Willis".

Jennifer E. Willis
United States Magistrate Judge

March 27, 2023

**RE: Scott Berg v. LIRR
22-CV-5453 JMF**

Dear Judge Willis:

This letter is respectfully submitted to request an adjournment of the settlement conference presently scheduled before your Honor on March 29, 2023, at 10:30 a.m. This is the second request. The reason there is a need for an adjournment is due to the fact there is outstanding expert discovery to be conducted. Specifically, LIRR seeks to have Plaintiff examined by an orthopedic surgeon to provide an opinion regarding causation, current, and future prognosis of the Plaintiff. Recently Judge Reardon extended the expert discovery deadline to May 1, 2022. LIRR is currently in the process of retaining an expert orthopedist in order to examine the Plaintiff and exchange reports pursuant to that deadline after obtaining all of Plaintiff's relevant treatment records. Therefore, LIRR is not currently in position to discuss resolution of the case.

The parties propose a date for a settlement conference following the completion of this medical examination and exchange of LIRR's orthopedic expert report. Thank you for your kind consideration of this request.

Respectfully submitted,

Stephen N. Papandon Esq.
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cc: Mark Wietzke Esq.